

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

Plaintiff,

against -

THE DORMITORY AUTHORITY OF
THE STATE OF NEW YORK, TDX
CONSTRUCTION CORP., and KOHN,
PEDERSON, FOX & ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF
NEW YORK,

Third-Party Plaintiff,

- against -

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY SURETY COMPANY,

Third-Party Defendants.

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TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth-Party Plaintiffs,

- against -

CAROLINA CASUALTY INSURANCE COMPANY,
et al.

Fourth-Party Defendants.

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KOHN PEDERSON FOX ASSOCIATES, P.C.

Third-Party Plaintiff,

07 Civ. 6915 (DLC)
ECF CASE

**ANSWER OF CASTRO-BLANCO
PISCIONERI AND ASSOCIATES,
ARCHITECTS, P.C. AND
ARQUITECTONICA NEW YORK,
P.C. TO CERMAK, PETERKA
INC.'S CROSS-CLAIMS**

- against -

WEIDLINGER ASSOCIATES CONSULTING
ENGINEERS, P.C., CASTRO-BLANCO
PISCIONERI AND ASSOCIATES, ARCHITECTS,
P.C., ARQUITECTONICA NEW YORK,
P.C., TRATAROS ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC. TRATAROS
PANEL SYSTEMS CORP., TRATAROS
CONSTRUCTION, INC. and LBL SKYSYSTEMS
(U.S.A.), INC.,

Third-Party Defendants.

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Defendants, Castro-Blanco Piscioneri and Associates,
Architects, P.C. ("Castro-Blanco") and Arquitectonica New York,
P.C., ("Arquitectonica") by their attorneys, Gogick, Byrne &
O'Neill, LLP, as and for their Reply to the Cross-Claim of Third-
Party Defendant Cermak Peterka Petersen, Inc. ("CPP"), respectfully
alleges and says as follows:

**AS AND FOR A CROSS-CLAIM AND
COUNTERCLAIM FOR CONTRIBUTION/INDEMNIFICATION
AGAINST CASTRO-BLANCO PISCIONERI and ASSOCIATES
ARCHITECTS, P.C., ARQUITECTONICA NEW YORK, P.C.**

1. Denies the truth of each and every allegation contained
within paragraphs "92" and "93" of the cross-claim and counterclaim
as to answering third-party defendants.

AS AND FOR AN ANSWER TO FIRST AFFIRMATIVE DEFENSE

2. The Court lacks subject matter jurisdiction over this
controversy.

AS AND FOR AN ANSWER TO SECOND AFFIRMATIVE DEFENSE

3. The Cross-Claim fails to state a cause of action against

Castro-Blanco and Arquitectonica upon which relief may be granted.

AS AND FOR AN ANSWER TO THIRD AFFIRMATIVE DEFENSE

4. The Cross-Claim against Castro-Blanco and Arquitectonica is barred by waiver, payment and release.

AS AND FOR AN ANSWER TO FOURTH AFFIRMATIVE DEFENSE

5. CPP is estopped from bringing the Cross-Claim against Castro-Blanco and Arquitectonica.

AS AND FOR AN ANSWER TO FIFTH AFFIRMATIVE DEFENSE

6. Whatever changes CPP may have sustained as alleged in the Cross-Claim against Castro-Blanco and Arquitectonica, all of which are denied by Castro-Blanco and Arquitectonica, were caused in whole or in part by the culpable conduct of CPP and/or others for whose acts, omissions and/or conduct CPP is responsible. The amount of damages recovered, if any, shall therefore be diminished in the proportion which the culpable conduct attributable to CPP bears to the culpable conduct which caused these alleged damages.

AS AND FOR AN ANSWER TO SIXTH AFFIRMATIVE DEFENSE

7. The damages alleged in the Cross-Claim against Castro-Blanco and Arquitectonica were caused by the culpable conduct of some third person or persons over whom Castro-Blanco and Arquitectonica neither had nor exercised control.

AS AND FOR AN ANSWER TO SEVENTH AFFIRMATIVE DEFENSE

8. The claim alleged in the Cross-Claim against Castro-Blanco and Arquitectonica is barred by the doctrines of waiver

and/or laches.

AS AND FOR AN ANSWER TO EIGHTH AFFIRMATIVE DEFENSE

9. Castro-Blanco and Arquitectonica incorporates by reference each and every of the Affirmative Defenses set forth in their Answer to the Third-Party Plaintiff's Complaint and realleges same as though fully set forth herein.

AS AND FOR AN ANSWER TO NINTH AFFIRMATIVE DEFENSE

10. CPP's Cross-Claim for contribution is barred since the damages alleged are for economic loss.

AS AND FOR AN ANSWER TO TENTH AFFIRMATIVE DEFENSE

11. CPP's Cross-Claim for indemnification must be dismissed because CPP is being sued for its active wrongdoing.

AS AND FOR AN ANSWER TO ELEVENTH AFFIRMATIVE DEFENSE

12. Castro-Blanco and Arquitectonica reserve the right to rely upon any and all additional defenses which may be disclosed during discovery in this action.

WHEREFORE, Castro-Blanco and Arquitectonica demand judgment,

- (a) Dismissing the Cross-Claim in its entirety;
- (b) Awarding Castro-Blanco and Arquitectonica all attorneys' fees, disbursements and costs incurred in defending this Cross-Claim; and
- (c) Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York
May 13, 2008

GOGICK, BYRNE & O'NEILL, LLP
Attorneys for Third-Party
Defendants, Castro-Blanco
Piscioneri and Associates,
Architects, P.C. and
Arquitectonica New York, P.C.

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